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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

ENOCH ADAMS, JR., LEROY ADAMS,
ANDREW KOENIG, JERRY NORTON,
DAVID SWAN, and JOSEPH SWAN,

Plaintiffs

v.

TECK COMINCO ALASKA INCORPORATED,

Defendant.

Case No. A04-49 CV (JWS)

**DECLARATION OF LUKE
COLE IN SUPPORT OF
PLAINTIFFS' MOTION TO
ALTER OR AMEND
JUDGMENT UNDER
F.R.C.P. 59**

I, Luke Cole, declare:

1. I am over 18 and not a party to this action.

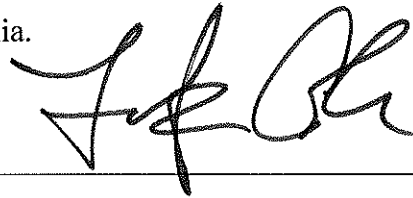
2. On June 13, 2006 I filed as Exhibit 311 the Compliance Order by Consent entered into by Teck Cominco Alaska Incorporated and the United States Environmental Protection Agency, which was entered at Docket 129. For the convenience of the Court I am attaching a true and

Declaration of Luke Cole in Support
of Motion to Alter or Amend
Judgment under Rule 59(e)

1 correct copy of Exhibit 311 to this declaration.

2 3. As part of the evidence supporting plaintiffs' motion for summary judgment (Docket
3 72), Adams filed excerpts of the May 2004 Discharge Monitoring Report filed by Teck Cominco
4 Alaska, as Exhibit 87. For the convenience of the Court I am attaching a true and correct copy of
5 page 4 of Exhibit 87 to this declaration. That page demonstrates that during May 2004 – a month
6 which was entirely under the 1998 TDS permit limits and which was after the March 2004 filing
7 of this suit – the monthly average TDS discharge was 2747 mg/l, far above the permit limit of
8 170 mg/l.

9 I declare under penalty of perjury that the foregoing is true and correct. Executed this 4th
10 day of August, 2006 at San Francisco, California.

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